

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CASE NO. 1:21-cv-08537-JMF**

FREDERICK J. KEITEL, III, et al.,
Plaintiffs,

vs.

THOMAS B. D'AGOSTINO, SR., et al.,
Defendants.

_____ /

PLAINTIFFS' MOTION TO RESCHEDULE MARCH 9, 2022 HEARING

Plaintiffs through undersigned counsel, respectfully requests this Court to Reschedule the hearing set by Court Order for March 9, 2022 for the following reasons:

1. On February 3, 2022, the Court issued Order, ECF 35, for an in person conference with the Court for Wednesday March 9, 2022 at 11:00 AM.
2. The Order is for both parties to appear "for an in-person conference with the court" to address the Plaintiffs' motion for extension of deadline to effectuate service ECF No.34, as well as FJK Entities' motion to terminate Spencer Robbins as counsel, ECF No. 7.
3. Mr. Robbins is in Europe on a prepaid vacation with his family, and unavailable to appear, until March 14, 2022.
4. Plaintiffs' request that the court reschedule the hearing to the pretrial conference set for March 24, 2022 at 4:00 PM, or reschedule the hearing to March 15-18, 2022.

5. Plaintiffs' also request that the court extend the date to effect service until the hearing date, or the March 24, 2022 pretrial hearing.

6. Plaintiffs also request the court to not grant any requests for an extension of time for defendants to file their answer to the complaint, since they have had notice and service via mail and email for months, even if all defendants have not been personally served, due to their own actions or actions of counsel to evade the Summons issued by the Clerk of the U.S. District Court, Southern District New York .

6. This motion is filed for good cause, in good faith, not for delay, but due to Plaintiffs' counsel, Mr. Robbins unavailability.

7. Plaintiffs are emailing all counsel for their agreement, and/or objections, but doesn't expect defendants' lawyers, almost all named defendants in this case to cooperate.

WHEREFORE Plaintiffs having shown good cause requests this court to (1) reschedule the hearing to the pretrial conference set for March 24, 2022 at 4:00 PM, (2) schedule the hearing for the any day on March 15-18, 2022 (3) extend the date to effect service of the complaint until the hearing and (4) for any relief this courts deems appropriate.

Submitted this 5th day of March 2022.

/s/Spencer Robbins

Spencer B. Robbins

NYSBR: 1740158

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing documents was served on all parties and defendants via e-portal ECF/PACER, electronic filing system and a copy sent via email service to all defendant's s individually or through their counsel on this day 5th of March 2022.

/s/Spencer Robbins

Spencer B. Robbins

Application GRANTED. The conference scheduled for March 9, 2022, is hereby RESCHEDULED to **March 24, 2022 at 4:00 p.m., in person, in Courtroom 318**. No further adjournments will be granted. If counsel for Plaintiffs does not appear at that time, this case may be dismissed for failure to prosecute. The Court will address Plaintiffs' request for an extension of the deadline to serve at the conference. The Clerk of Court is directed to terminate ECF No. 36. SO ORDERED.



March 7, 2022